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Docket No.: FAPES 293
(PATENT 1000/2930)
#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Adilson Leite

Application No.: 09/870,498

Group Art Unit: 1654 ✓

Filed: June 1, 2001

Examiner: Louise N. Leary

For: ANTIMICROBIAL PEPTIDES AND
METHODS FOR IDENTIFYING AND
USING SUCH PEPTIDES

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT

Mail Stop Petition

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is a petition under 37 C.F.R. §1.181(a) requesting the withdrawal of an erroneously issued Notice of Abandonment dated October 27, 2003 (copy enclosed) in this application. This petition is filed within 2 months of the mail date of the Notice of Abandonment and as such is timely filed.

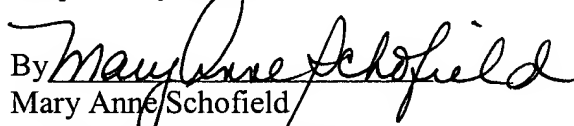
The Notice of Abandonment states that a reply to the Office Action dated April 18, 2003 was not received in this application. This is an error on the part of the United States Patent and Trademark Office. Enclosed are copies of applicant's July 2, 2003 Response and July 18, 2003 Supplemental Response Submission of Formal Drawings filed in this application. Also enclosed are the postcard receipts stamped by the U.S.P.T.O. for the July 2, 2003 Response and the July 18, 2003 Supplemental Response.

In view of the foregoing applicants respectfully request that the Notice of Abandonment be withdrawn and the prosecution of this application be expeditiously resumed.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 06-2375, under Order No. FAPESP 203/10026221.

Dated: November 4, 2003

Respectfully submitted,

By 
Mary Anne Schofield

Registration No.: 36,669

FULBRIGHT & JAWORSKI L.L.P.
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Attorneys for Applicant



Atty Docket No.: FAF 203/10026221

Inventor: Dr. Adilson Leite

Application No.: 09/870,498

Filing Date: June 1, 2001

Title: ANTIMICROBIAL PEPTIDES AND METHODS FOR IDENTIFYING AND USING SUCH PEPTIDES

Documents Filed:

RESPONSE



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TECH CENTER 1600/2900

Via: PTO Daily Run

Sender's Initials: MEU:pmt

Date: July 2, 2003 ✓



Atty Docket No.: F SP 203/10026221

Inventor: Dr. Adilson Leite

Application No.: 09/870,498

Filing Date: June 1, 2001

Title: ANTIMICROBIAL PEPTIDES AND METHODS FOR IDENTIFYING AND USING SUCH PEPTIDES

Documents Filed:

SUPPLEMENTAL RESPONSE SUBMISSION OF FORMAL DRAWINGS (6 DRAWING SHEETS)



Via: PTO Daily Run

Sender's Initials: MAS:pmt

Date: July 18, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,498	06/01/2001	Adilson Leite	FAPESP 203	8814
24972	7590	10/27/2003		
FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198				
			EXAMINER	
			LEARY, LOUISE N	
			ART UNIT	PAPER NUMBER
			1654	



DATE MAILED: 10/27/2003

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TECH CENTER 1600/2900

Please find below and/or attached an Office communication concerning this application or proceeding.

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JCS's
NOV 04 2003
PATENT & TRADEMARK OFFICE**Notice of Abandonment**

Application No.

09/870,498

Examiner

Louise N. Leary

Applicant(s)

LEITE ET AL.

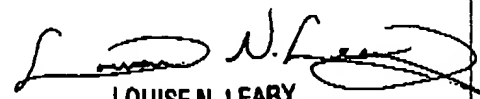
Art Unit

1654

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 18 April 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


 LOUISE N. LEARY
 PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.